



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 739-99
21 June 2000



Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the enclosed advisory opinion from the Bureau of Naval Personnel, dated 21 April 2000

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the enclosed advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

1830

Pers823

Ser 943

21 Apr 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS

Subj: COMMENTS AND RECOMMENDATIONS ICO [REDACTED]
[REDACTED]

Ref: (a) Pers-00XCB ltr of 3 Mar 2000

Encl: (1) BCNR File with Microfiche Service Record

1. Reference (a) requested comments and recommendations in subject member's case. Specifically, Petitioner states that he should have been retired in grade E-5, in accordance with the provisions of 10 U.S. Code 1372, based on his service in the U.S. Army Reserve.
2. Liaison with the National Personnel Records Center was conducted on 18 Apr 2000 to obtain information concerning Petty Officer [REDACTED] service in the U.S. Army and Army Reserve. A review of his records was completed to determine when member held the paygrade of E-5 in the Army Reserve; however, he was never advanced to paygrade E-5 at any time while affiliated with the U.S. Army Reserve. His only evidence presented to substantiate his claim of being an E-5 in the Army Reserve was the Form 831 that was prepared in conjunction with his release from the Army in order to be enlisted in the Navy. His claim that block 15 of that form states he was an E-5 during that time is incorrect, as block 15 was a listing of the billet he was filling and not his actual paygrade.
3. It is recommended that Petty Officer [REDACTED] petition for correction to his records be denied for the reasons stated above. Enclosure (1) is returned.

[REDACTED]
Head, Enlisted Retirements Branch